

REMARKS

The undersigned would like to thank the Examiner for a thorough examination of this application.

Prior to this amendment, there were claims 1-14 pending in this application.

The Examiner has made the following rejections:

- 1) claims 1, 5, 9 and 10 are rejected under 35 USC 102(b) as being anticipated by Weiss U.S. Patent No. 5,947,822 ("Weiss");
- 2) claims 12-14 are rejected under 35 USC 102(b) as being anticipated by Yoseloff U.S. Patent No. 6,179,711 ("Yoseloff"); and
- 3) claims 2 and 11 are rejected under 35 USC 103(a) as being unpatentable over Weiss as applied to claims 1 and 10 above, and further in view of Yoseloff.

The Examiner has stated that claims 3, 4 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

In response to the Examiner's rejections and objections, the Applicants have:

- (A) amended claim 1 to incorporate the limitations of claim 3;

(B) cancelled claims 3 and 10-13 thereby rendering moot any rejections to these claims; and

(C) amended claim 14 to depend from claim 2.

Applicants also made certain amendments to claims 1, 2 and 6-8 to cure grammar errors and for purposes of clarification. Applicants also amended claim 14 to address a grammar error (i.e. "high-low" and "high/low").

Applicants submit that amended claim 1 is patentably distinguished over Weiss. Weiss does not disclose, teach or suggest the particular card game recited in amended claim 1 wherein the player has a choice of declaring his hand a poker hand or a modified Blackjack hand wherein the first predetermined number used in playing the modified Blackjack game is chosen from the group 31, 41 and 51.

Claims 4-9 depend from amended claim 1. Since it has been shown that claim 1 is now patentable over Weiss, Applicants submit that claims 4-9 are patentable as well.

Applicants have also amended claim 14 to depend from claim 2. For the same reasons, Applicants submit that claim 14 is patentable over Weiss as well.

Applicants are submitting an Information Disclosure Statement that discloses Yurkins U.S. Patent No. 6,749,200 B2 ("Yurkins") which issued on June 15, 2004, almost one month after the mailing date of the Office Action.

Applicants submit that amended claim 1 of the instant application is patentably distinguished over Yurkins. Yurkins does not disclose, teach or suggest the particular card game recited in amended claim 1 wherein the player has a choice of declaring his hand a poker hand or a modified Blackjack hand wherein the first predetermined number used in playing the modified Blackjack game is chosen from the group 31, 41 and 51. There are many other differences between Yurkins and the card game of amended claim 1. One main difference is that in Yurkins, "the player elects to play Blackjack or Poker or both by placing a Blackjack bet or a Poker ante bet or both, respectively." (see abstract). In the card game of amended claim 1, the player first places a wager, cards are then dealt to the player and thereafter, the player declares his hand as either a Poker hand or a Modified Blackjack hand. Applicants have amended claim 1 to add the limitation "thereafter" in the step related to the player declaring his hand as either a Poker hand or a Modified Blackjack hand.

Therefore, Applicants submit that Weiss and Yurkin, either taken alone or in combination, do not disclose, teach or suggest the card game of amended claim 1 and dependent claims 2, 4-9 and 14.

Applicants submit that the present application is now in condition for allowance. Reconsideration and allowance

of this application are therefore earnestly solicited. If the Examiner is of the opinion that this amendment does not place this application in condition for allowance, then the undersigned urges the Examiner to call the undersigned to discuss any outstanding issues and to determine if an Examiner's amendment would place the application in condition for allowance.

Date: August 18, 2004

Respectfully submitted,



Raymond A. Nuzzo
Attorney of Record
Reg. No. 37199

Tel: 203-467-7895

Fax: 203-467-7233